

VZCZCXRO2722  
RR RUEHAST  
DE RUEHTA #1145/01 1220031  
ZNR UUUUU ZZH  
R 020031Z MAY 07  
FM AMEMBASSY ASTANA  
TO RUEHC/SECSTATE WASHDC 9297  
INFO RUEHVEN/USMISSION USOSCE 1726  
RUEHAST/USOFFICE ALMATY  
RUEHNO/USMISSION USNATO 2201

UNCLAS SECTION 01 OF 02 ASTANA 001145

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STATE FOR INR/R/MR, SCA/CEN (MO'MARA), SCA/PPD (JKAMP), DRL/PHD  
(CKUCHTA-HELBLING)

SIPDIS

E.O. 12958: N/A  
TAGS: [PGOV](#) [PHUM](#) [KPAO](#) [KDEM](#) [KZ](#)  
SUBJECT: KAZAKHSTAN - ASTANA MEDIA NOTES FOR APRIL

Ref: A) Astana 918, B) 06 Astana 2074

¶1. (U) Summary: The Mazhilis has accepted for consideration a draft law on mass media. The draft was developed by the Congress of Journalists, chaired by presidential daughter and Mazhilis representative Dariga Nazarbayeva, in collaboration with media advocacy NGOs, the National Association of Broadcasters, and the Union of Journalists. Minister of Information Yermukhamet Yertysbayev said that the ministry is recalling its draft law on licensing print houses and that it is ready to liberalize media legislation. Nazarbayeva asked the Supreme Court to transfer the appeal for Galina Vybornova, accused of slander, to the city court of Almaty. She also sent an inquiry to the Procurator General's office regarding tax evasion charges pending against Irina Petrushova, currently living in exile in Moscow, and the defacto editor-in-chief of the opposition weekly Respublika. The newspaper Vremya filed a slander suit against Yertysbayev, but the suit has been suspended until the paper provides an address and tax identification number for the minister. End summary.

Nazarbayeva Submits Draft Media Law to Parliament  
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¶2. (U) Pro-government newswire Kazakhstan Today reported April 4 that the Congress of Journalists had completed a draft law liberalizing restrictions on media. The draft law would ease restrictions on media registration, decriminalize libel, tighten regulations on media monopolization, and regulate auctions of TV and radio frequencies. The draft retains provisions that protect the president from insult.

¶3. (U) The draft has been in development for several years (Ref B) with input from media advocacy NGOs, the Congress of Journalists led by Dariga Nazarbayeva, the National Association of Broadcasters, and the Union of Journalists. According to an April 18 Interfax wire report, Mazhilis deputies Nazarbayeva, Sergey Kiselev, Dariya Klebanova, and others sponsored the bill and the Mazhilis bureau consisting of the speaker, vice speaker, committee heads, and the head of the Nur Otan political faction accepted it for consideration.

Ambiguous Signals of Easing Restrictions on Media  
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¶4. (U) In addition to the relatively liberal draft media law, Information Minister Yermukhamet Yertysbayev announced April 17 on official Khabar TV's live "Betpe Bet" program that an interagency commission had decided to recall the draft law on licensing print houses because the measure had been so unpopular. The minister also noted that the controversial law would be put aside "for the time being" while Kazakhstan pursues democratic reforms and the chairmanship of the OSCE. He said the draft would have to be re-considered later because a high quality print industry was a condition for WTO accession.

15. (U) Several media reported on remarks Yertysbayev made on April 21 at the 6th Eurasia Media Forum where he expressed readiness to liberalize the media legislation. "We are ready to introduce a moratorium on distorting the truth, to release journalists from criminal prosecution, and to implement a series of steps to liberalize the legislation," the minister said. He also called for the creation of a national journalist organization to establish an ongoing dialogue between journalists and the information ministry. Such an organization, he said, should draft and enforce a code of reporting ethics among journalists so that media could maintain professional standards of integrity. The organization would also arbitrate disagreements that arose between the ministry and the journalist community.

16. (U) Some local media advocates doubted the need for yet another advocacy group and also doubted whether Yertysbayev really had the interests of journalists at heart. Askar Shomshekov, director of the Pavlodar Center for Regional Journalism Support, commented in an April 27 article on The Institute for War and Peace Reporting website, that any new organization should act only as an intermediary to make it easier for the journalist community to have a say in the lawmaking process. Tamara Kaleyeva, head of the Adil Soz (Free Speech) NGO, said in the same article that Yertysbayev only wants to "strengthen the voice of the authorities." Rozlana Taukina, head of the media defense group Zhurnalisty v Bedi (Journalists in Trouble), said the proposal was a sign that pro-government groups were struggling among themselves for control of the media. (As noted in Ref A, the Congress of Journalists headed by Nazarbayeva and the Union of Journalists led by her close ally Seitkazy Matayev have called for Yertysbayev's resignation).

Liberalization Motivated by OSCE Aspirations?  
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17. (U) Tamara Kaleyeva also commented in an April 20 Eurasianet interview on the new draft media law and steps taken by the information minister to ease restrictions on the media. She said the draft law indicated that Kazakhstan is now on the threshold of "real, practical steps" necessary for Kazakhstan's OSCE chairmanship. She characterized the legislation as "not ideal, but realistic" and said that retaining the defamation provisions regarding the president and other top officials was "a concession" NGO activists had to make to include other liberalizing provisions.

Nazarbayeva Champions Embattled Journalists  
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18. (U) Pro-government newswire Kazakhstan Today reported that on April 4 that during a plenary session Mazhilis Deputy Nazarbayeva presented a parliamentary inquiry to Supreme Court Chairman Kairat Mami, asking that the appeal of journalist Galina Vybornova be transferred from the Zhambyl oblast court to the Almaty city court. The judge for the Zhambyl oblast had filed a libel suit against Vybornova for her articles in pro-government Ekspress K alleging ties between him and a criminal group. The district court of the city of Taraz found Vybornova guilty of libel and fined her the equivalent of about \$1790. Nazarbayeva noted the libel suit is a civil case filed by an individual and as such cannot be re-examined by the Supreme Court.

19. (U) Nazarbayeva presented another inquiry to the Procurator General's office regarding Irina Petrushova, editor-in-chief of the opposition weekly Respublika newspaper. Nazarbayeva asked for an official response explaining the case against Irina Petrushova and whether Petrushova were free to come back to Kazakhstan to participate in journalistic and other public events. As director general of Respublika's owner, the PR Consulting Company, Petrushova was charged with evading 1,695,000 tenge (\$12,100) in taxes for the years 1999-2000. She was also charged with failing to comply with a ruling of the specialized inter-district economic court in Almaty in March 2002. Nazarbayeva noted that the tax audit in February 2002 showed that PR Consulting had underpaid some taxes and overpaid others, and thus owed nothing.

## Vremya Lawsuit Against Information Minister Suspended

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¶10. (U) The progressive Vremya reported on April 21 that it had filed suit against Yertysbayev in Astana's Saryarkinskiy district court for criticizing the professional skills of its journalists in a March 9 interview with Respublika and a subsequent appearance on Channel 31. Vremya asked the court to order Yertysbayev to issue a public apology to Vremya's journalists and editor-in-chief on Channel 31 and in the Respublika and Vremya newspapers. The civil lawsuit was accepted by the court and passed to the judge for review. On April 28, Vremya reported that the court had suspended its suit because the paper failed to indicate the address of Yertysbayev's apartment and his tax identification number. The court has given Vremya 16 days to provide this information.

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